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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0119742-002	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/510,411	Filed September 12, 2005	
	First Named Inventor Zaghouni		
	Art Unit 1644	Examiner Edwoldt, G.R.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 51,696</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature David B. Fournier _____ Typed or printed name 312-781-7167 _____ Telephone number April 30, 2009 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input type="checkbox"/> *Total of _____ forms are submitted.			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Habib Zaghouani
Appl. No.: 10/510,411
Conf. No.: 8513
Filed: September 12, 2005
Title: METHODS AND COMPOSITIONS FOR TREATMENT, PREVENTION,
SUPPRESSION, AND/OR DELAYING THE ONSET OF TYPE 1 DIABETES
Art Unit: 1644
Examiner: Edwoldt, G.R.
Docket No.: 0119742-00002

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 47-48 and 51-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/30706 in view of Liu *et al.* (1992) *PNAS* 97(26): 283-292 (“Liu”). According to the Office Action, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to produce the construct of WO 98/30706 employing the T-cell epitopes of SEQ ID NOs: 3 and 4, as taught by Liu (Office Action at page 2). Applicants respectfully traverse this rejection.

As set forth at pages 2 – 6 of the Office Action response dated January 28, 2009, no *prima facie* case of obviousness has been established at least because: (1) Liu teaches away from the presently claimed invention; and (2) no reasonable expectation of success has been established.

Conclusion

The application is believed to be in condition for allowance. Early and favorable considerations is respectfully requested.

Respectfully submitted,

K&L GATES LLP

BY



David B. Fournier

Reg. No. 51,696